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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,834	04/14/2000	HANS-JOACHIM BECK	67190/984412	2964

21171 7590 03/14/2003

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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT

PAPER NUMBER

2126

DATE MAILED: 03/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/446,834

Applicant(s)

BECK, HANS-JOACHIM

Examiner

Lewis A. Bullock, Jr.

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because of Draftperson's Review. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by BERRY (EP 0 725 337 A1).

As to claim 3, BERRY teaches a programming device (data processing system), comprising: a software tool (object oriented development environment, OODE) processing objects (palette of objects) (pg. 2, lines 28-29; pg. 3, lines 47-49); a first object (prototypical object) having data (attribute) (pg. 3, lines 50-57); and a second object (derived object) having a pointer (reference) (pg. 3, line 11), the first object (prototypical object) being a model (same class) for the second object (derived object)

(pg. 4, lines 3-6), the software tool (OODE) incorporating at least some of the data (attributes) of the first object (prototypical object) into the second object (derived object) (pg. 4, lines 3-6, "Derived objects are of the same class and instance as the prototypical object from which they were derived and take all of their attribute information from the prototypical objects."); pg. 5, lines 16-19). BERRY also teaches accessing the second object (derived object) (pg. 4, lines 27-33). It is inherent that the second object (derived object) must be created first before you can access the object. Therefore, since the attributes are stored in the second object (derived object) from the first object (prototypical object) when it is created (pg. 4, lines 3-6; pg. 5, lines 16-19) before the object is accessed, that the incorporation of data is performed at a beginning of an access to the second object.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over BERRY (EP 0 725 337 A1) in view of "Java Programming Basics" by EDITH.

As to claim 4, BERRY teaches the software tool (OODE) deposits at least one data group of the data (attributes) of the first object (prototypical object) into the second

object (derived object). However, BERRY does not teach the software tool does not incorporate the at least one data group of the first object into the second object.

EDITH teaches the concept (inheritance / polymorphism) of not incorporating the at least one data group (private variables / static variables / overridden methods) of the first object (the class / superclass) into the second object (derived class / subclass) (pg. 7, private paragraph, static variable paragraph; pg. 11, Overriding Methods paragraph). It would be obvious by the combination of BERRY and EDITH that the prototypical object has private or static variables such that when one creates a derived object that those variables are not incorporated. It would also be obvious by the combination of BERRY and EDITH that the derived class has overriding methods corresponding to the methods of the prototypical object and that when one creates a derived object that the overridden methods of the prototypical object are not incorporated into the derived object. Therefore, it would be obvious to combine the teachings of BERRY with the teachings of EDITH in order to facilitate the control of object-oriented concepts (pg. 24, first and second paragraphs).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alvin E. Oberley can be reached on (703) 305-9716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0286.

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March 10, 2003

James A. Bullock Jr.